

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

**CARRIE CASTILLO, ANASTASSIA  
LETOURNEAU, and JACQUELYN MYHRE,  
on behalf of themselves and all others similarly  
situated,**

**Plaintiffs,**

**-against-**

**NOODLES & COMPANY,**

**Defendant.**

No. 16 Civ. 3036

Hon. Andrea R. Wood

**PLAINTIFF'S SECOND SUPPLEMENTAL MEMORANDUM OF LAW IN  
OPPOSITION TO DEFENDANT'S MOTION TO TRANSFER AND STAY  
PROCEEDINGS**

Plaintiffs respectfully submit this Second Supplemental Memorandum of Law in Opposition to Defendant's Motion to Transfer and Stay Proceeding to update the Court on further developments in *Carter v. Noodles & Co.*, No. 16 Civ. 319 (D. Colo.) ("*Carter*") that will likely moot the motion of Defendant Noodles & Company ("Noodles" or "Defendant"). The plaintiffs in *Carter* will seek to litigate their claims before this Court as opt-in plaintiffs, allowing them to take advantage of the tolling agreement in place in this case. While this does not allow Noodles to litigate in its preferred venue, the District of Colorado, it does achieve the primary goal of Noodles' motion—to avoid two-front litigation and conserve the parties' resources.

**A. Plaintiffs Have Sought Noodles' Consent To Transfer *Carter* To the Northern District of Illinois.**

On June 6, 2016, Plaintiffs' counsel informed Noodles' counsel that the *Carter* named plaintiff and opt-in plaintiff will seek to transfer their claims to this Court or, in the alternative, seek leave to dismiss their claims without prejudice so that they can join this case as opt-in plaintiffs and benefit from tolling. Noodles' counsel is in the process of talking to Noodles' about whether it will consent to such a motion.

**B. Absent Noodles' Consent, the *Carter* Plaintiff Will Move To Transfer or Dismiss.**

If Noodles does not consent, the *Carter* plaintiff will promptly move to transfer the *Carter* action to the Northern District of Illinois, or to dismiss the *Carter* action without prejudice so that the plaintiffs can join this action as opt-in plaintiffs and their claims can benefit from tolling.

**C. If the Colorado Court Grants the *Carter* Plaintiff's Relief, Noodles' Motion to Transfer and Stay Will Be Moot.**

Should the Colorado Court in *Carter* grant the plaintiff's motion to dismiss or motion to transfer, Noodles' motion to transfer to Colorado will be moot. In the interest of justice and

efficiency, therefore, Plaintiffs respectfully request that the Court defer its ruling on Noodles' motion to transfer pending the outcome of the parties' discussions or a decision on the *Carter* plaintiff's anticipated motion to dismiss without prejudice or transfer.

Dated: New York, New York  
June 27, 2016

Respectfully submitted,

/s/ Justin M. Swartz

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and Collective*

**CERTIFICATION OF SERVICE**

I hereby certify that on June 27, 2016, the above document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system and by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Justin M. Swartz  
Justin M. Swartz